

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 29, 2016

**Elisabeth A. Shumaker
Clerk of Court**

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

No. 14-9614

COMMUNITY HEALTH SERVICES,
INC., d/b/a Mimbres Memorial Hospital
and Nursing Home,

Respondent.

UNITED STEEL, PAPER AND
FORESTRY, RUBBER,
MANUFACTURING, ENERGY, ALLIED
INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION,

Intervenor.

ORDER

Before **TYMKOVICH**, Chief Judge, **GORSUCH**, and **McHUGH**, Circuit Judges.

This matter is before the court on Community Health Services, Inc.'s *Petition for Rehearing En Banc*. We also have a response from the NLRB. Upon consideration, a majority of the original panel members declined to grant any implicit request for panel rehearing.

The petition and response were also transmitted to all of the judges of the court who are in regular active service. Upon that transmittal, a poll was called, and a majority of judges voted to deny the petition. Accordingly, the request for en banc review is likewise denied. Judges Kelly, Hartz, and Gorsuch would grant en banc rehearing.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

ELISABETH A. SHUMAKER, Clerk